

Indian Police Reform: Problems, Causes and Prospects

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Abstract:

The police in India is a state subject and its organization as well as working are governed by rules and regulations framed by the state governments. Policing in the country is incredibly complex and the total range of police responsibility is an extra ordinary context. Nevertheless, successful functioning of the police in a democratic society depends upon its ability to maintain a certain degree of order without which a free society cannot function. Current and emerging social media and communications technologies open exciting and important new frontiers for the police. The changing nature of community has also presented some challenges to the community policing. In this regard, the move toward community policing has introduced greater concern for community into police glossary, training and protocol. Despite this fact, much room remains for improvement and it is not entirely clear how or whether agencies can accomplish such improvements. It requires a multi-pronged approach to balance law and

order functions with social justice and human rights concerns. The need of hour is to create a police force which can respond to the needs of a developing society like India. In order to consider the vulnerability of Indian police system, this paper is an attempt to highlight their problems, causes and suggest ways through which their hardships could be minimised and a hope could touch their last breaths. The paper is divided into six parts. The first part deals with the introduction and police infrastructure. The second part describes functions and challenges to police administration. The third part focuses upon the community policing and role of police today. The fourth part presents the causes of lack of humanity in police system. The fifth part deals with the need to reform of Indian police. Finally, the last part presents the recommendations along with conclusion.

Key Words: Indian Police, Infrastructure, Problems, Causes, Reform, and Prospects.

Introduction:

The present criminal justice system in India was designed after the British almost lost their empire in the first war of independence in 1857. The vital need then was a coercive system that would brook no further challenge to the task of ruling the people of India and keeping a strict surveillance over subversive activities. The creation of new legal code defined by the Indian Penal Code (IPC), 1860; Criminal Procedure Code (CrPC), 1972; Evidence Act, 1872; and the Police Act, 1861 shaped the coercive criminal justice model for the country. The British's introduced hitherto unknown legal concepts that deterred resistance against the colonial state. These provided a mechanism to force the consent and conformity of the people to provisions protecting the colonial rule (Unnithan, 2013). The effective and efficient functioning of police administration is vital to maintain safety security and peace. Policing in a pluralistic democratic society like India which is trying to emerge from the shadow of a feudal past into a modern and secular nation, is fraught with challenges. It requires a multi-pronged approach to balance law and order functions with social justice and human rights concerns. The need of hour is to create a police force which can

respond to the needs of a developing society like India (Goel, 2014).

The police is a state subject and its organization, working are governed by rules and regulations framed by the state governments. These rules and regulations are outlined in the Police Manuals of the state police forces. State/Union Territory has its separate police force. Despite the diversity of police forces there is a good deal that is common among them due to four main reasons: The structure and working of the State Police Forces are governed by the Police Act of 1861, which is applicable in most parts of the country, or by the State Police Acts modeled mostly on the 1861 legislation. Major criminal laws, like the Indian Penal Code, the Code of Criminal Procedure, and The Indian Evidence Act etc are uniformly applicable to almost all parts of the country. The Indian Police Service (IPS) is an All India Service, which is recruited, trained and managed by the Central Government and which provides the bulk of senior officers to the State Police Forces. The quasi-federal character of the Indian polity with specific provisions in the Constitution allows a coordinating and counseling role for the Centre in police matters and even authorizes it to set up

certain central police organizations. Superintendence over the police force in the state is exercised by the State Government. The head of the police force in the state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in the state and for advising the government on police matters

(http://www.humanrightsinitiative.org/publications/police/police_organisations.pdf).

Police Infrastructure:

According to National Crime Record Bureau (NCRB) statistics in 2013, actual strength of police force was 17, 31,537 against sanctioned strength of 22, 43,288, thus denoting the vacancies of 5, 11,751 police personnel. Proportion of armed police to civil police (actual) was reported as almost 1: 4 during 2013. Ratio of Police Officers to the subordinate Staff (Head Constables & Constables) in 2013 was recorded as 1:7 at the national level. 14.7% of police personnel belong to SC category, 10.8% to ST category and 6.3% belong to Muslim community out of in position strength of 17, 31,537 as on 31st December, 2013. The strength of police personnel per unit area in the country i.e. per 100 Sq. Km recorded as 54.7 (3.4% increase over 2012). In 2013,

529 police stations were notified women police stations. The strength of police personnel for every 1, 00,000 of population was recorded as 141 during 2013. (<http://ncrb.nic.in/CD-CII2013/compendium%202013.pdf>).

Functions and Challenges to Police Administration:

Pandit Jawaharlal Nehru, the first prime minister of India, had rightly observed, “It would be remembered that the first duty of the police is to obtain the goodwill of the people through their service and integrity. They occupy a position of great responsibility. They can only discharge their duties well if they had the spirit of service to the country and the people” (Goel, 2014: p.1). The term “police” means civil force of a state which is entrusted with the duties of maintaining public order and of enforcing regulations for the prevention and detection of crimes and maintenance of peace (Goel, 2014). The practice of criminal justice was one of the means by which authorities, with or without success, attempted to keep the population in line. As the position of these authorities changed the character of criminal justice changed. Over the last several decades, historians and sociologists have devoted increasing attention to the

phenomenon of social control mechanisms by which powerful groups consciously or unconsciously attempted to restrain and to induce conformity, among less powerful but nonetheless threatening segments of society (Latessa & Holsinger, 2006).

Policing in India is incredibly complex and the total range of police responsibility is extra ordinary broad. Consequently they invested with a great deal of authority. This authority, if well regulated and enforced with purity and proper discretion can enable the countrymen to enjoy their rights without any hindrance. Nevertheless, successful functioning of the police in a democratic society depends upon its ability to maintain a certain degree of order without which a free society cannot function. The strength of a democratic society, the quality of life enjoyed by the citizens is determined in a large measure by the ability of the police to discharge their duties efficiently. Further police organizations have some of their own peculiar characteristics. Police officers unlike Army units are spread out in field and not subject to direct supervision. The individual officers possess awesome authority to deprive people of liberty, and even of their lives. It is surprising and

unfortunate, that an organization that wields such power is hardly ever a subject for study at centers of learning. The basic and fundamental problem regarding the police today is how to make them function as an efficient and impartial law enforcement agency fully motivated and guided by the objectives of service to the public at large, upholding the constitutional rights and liberties of the people (Goel, 2014).

The most common problems of police system at present times are related to five issues as: 1. *Staffing issues* (growth, retention, retirement, training and education, and the generation gap). 2. *Monetary issues* (budgets, the economy, funding equipment and facility needs). 3. *Local and regional crime*. 4. *Management and agency considerations* (mergers, commutation, organizational change, policy and procedures, effective supervision of a diverse workforce). 5. *Community change and challenges* (public relations, community growth and diversity, language barriers). All of these issues are familiar concerns to contemporary local police agencies (Schafer, et al, 2012).

Community Policing and Role of Police Today:

The father of modern policing, Sir Robert Peel remarked that the police are the public and the public are the police. The police occupy a unique role in society in that they are allowed to exercise coercion over other citizens and to act in ways that would not be tolerated if done anyone else. The successful policing depends on information and cooperation from the community. Attempts to reduce crime can be made through partnership, community based methods of policing while the police also enforce the law more dynamically against those who are suspected of breaking it (Marsh, 2004). Community policing may be a means of changing the goals of police work (for example, from crime control to service), of shaping public opinion instead of responding to it or of deflecting attention away from law enforcement officials. Perhaps community policing is a relatively new approach to law enforcement that is premised on the assumption that the police and citizens must work together to control crime. *Community Policing Perspectives and Dimensions* According to the Police Executive Research Forum (PERF), community policing consists of five

perspectives; 1. *Deployment perspective*- emphasizes the fact that police officers are deployed in a way that moves them closer to citizens. 2. *Community revitalization*- emphasizes the importance of the police and citizens working loosely together to improve neighborhoods and make them safer places. 3. *Problem solving perspective*- an approach in which citizens and police work together to identify and respond to neighborhoods problems. 4. *The customer*- emphasizes the importance of the police listening to citizens and serving their needs. 5. *Legitimacy*- emphasizes bolstering the credibility of the police through police citizen partnerships. Community policing has the philosophical, strategic, tactical and organizational dimensions of working. The majority of community policing programs can be placed into one of three categories. First, some are intended to encourage citizens to take an interest in crime control. Others seek to communicate with and inform citizens. Finally some programs expand police presence in the community, such as putting police in schools or on specialized patrols (Worrall & Schmallegger, 2013).

Current and emerging social media and communications technologies open exciting and important new frontiers for the

police. No matter how diverse the community is on the surface, there is always something on which to build. Police cannot be everywhere at once and have limited expertise and staffing levels. Citizens can create extra eyes and ears within the community and can staff innumerable functions that do not require a sworn officer. This creates many important opportunities for the police to improve the efficiency and equity of community improvement efforts. The changing nature of community also presented some challenges to the community policing. Generally the policing profession has not mastered the ability to systematically develop and sustain strong relationships across the broad constituent groups within the communities they serve. The move toward community policing has introduced greater concern for community into police glossary, training and protocol. Despite this fact, much room remains for improvement and it is not entirely clear how or whether agencies can accomplish such improvements (Schafer, et al, 2012).

Causes of Lack of Humanity in Police System: Corruption has infected every sphere of modern life. It has vitiated the moral values of the society and the police force cannot be an exception. In fact,

corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness. There cannot be a single cause or factor responsible for police corruption in India. The historical analysis of police working has shown that corruption among the policemen in British India was wide spread. The reasons may be different. Main reason of corruption is that, the recruitment policy of the government is defective. The first rate person did not like to join in the initial stage of its development. The salary structures, nature and hours of duty, accommodation problem and certain administrative and organizational problem are the other factors responsible for the police corruption. It is also due to growing influence of dishonest public men and politicians. According to a report the strength and the quality of the policemen have not kept pace with the demands of a rapidly expanding economy and administration. This has resulted in supervision becoming low and ineffective and in enlarging the scope of corruption proportionately. Police have many limitations on the effective enforcement of legislations. The ambiguities in many of these legislations coupled with the police

caution “to act or not to act” in respect of certain offences under them give ample opportunities to the personnel to resort to corrupt practices during the enforcement of such acts. For example, police discretion would prevail upon all other factors when a question is to be decided whether the provisions of the ‘Prevention of Sati Act – 1987’ can be attracted against the relatives of a widow who committed Sati at her own will. Same is the case with a number of other offences like child labour, untouchability, immoral trafficking on woman, indecent representation of women, etc., which are brought under the domain of a plethora of social legislations. An equally disturbing trend is the mounting incidence of corruption in police while dealing with gender issues like dowry deaths, exploitation of women, etc. Hundreds of unnatural deaths, which fall under the above categories, are closed without proper investigation

ijest.journals.yorku.ca/index.php/ijest/article/download/37944/34411

The current model of policing is bound by numerous legacies of its origins. Hierarchical organization creates inherent efficiency if managed correctly; difficulties arise when unquestioning adherence to

abstract principles inhibits effectiveness. A dangerous anachronism, the police have largely failed to evolve from the ruler-supportive, repressive forces they were designed to be under Britain’s colonial rule. While 60 years later much of India is in the process of rapid modernization, the police continue to use their old methods. Instead of policing through public consent and participation, the police use abuse and threats as a primary crime investigation and law enforcement tactic. The institutional culture of police practically discourages officers from acting otherwise, failing to give them the resources, training, ethical environment, and encouragement to develop professional police tactics. Junior and low-ranking police are frequently demoralized due to degrading working and living conditions. Police are under constant stress due to the statutory requirement that they be available for duty 24 hours a day, seven days a week—a grueling reality for the police they were hardly ever permitted a day off and some of whom, living in barracks, literally had not been given time to see their families for weeks. They are exhausted and have no time for exercise or recreation.

(<http://www.hrw.org>)

</sites/default/files/reports/india0809web.pdf>

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Need to Reform of Indian Police:

The document prepared by Department of Administrative Reforms and public grievances has chalked out a Code of Ethics which needs implementation. The objective of code is to prescribe standards of integrity and conduct that are to apply in the public services. Police administration need to follow these values:

- ***Selflessness:*** Holders of public office should take decisions solely in terms of public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friend.
- ***Integrity:*** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organization that might influence them in the performance of their official duties.
- ***Objective:*** In carrying out public business, including making public appointments, awarding contracts, holders of public office should make choice on merit.

- ***Accountability:*** Holders of public office are accountable for their decisions and actions to the public and must submit themselves.
- ***Openness:*** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- ***Honesty:*** Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- ***Leadership:*** Holders of public office should promote and support these principles by leadership and example (Goel, 2014).

Recommendations:

The government that came to power should commit itself to initiating police reforms. The police and responsible Union and state authorities should commit to two-track reform: 1. increase accountability for abusive police officers, and 2. change the police structure and working conditions that contribute to abusive patterns of behavior.

The following recommendations to both improve the functioning of the police and curtail abuses are drawn from multiple sources, including Human Rights Watch's research findings, reports by bodies of the Indian government including the Law Commission and the National Police Commission, Indian court decisions, studies by former and current Indian Police Service officers, and reports by local NGOs:

- ***Improve Conditions for Rank and File Officers:*** Low-ranking police are overworked and often exhausted due to the requirement they be available for duty 24 hours a day. Some live in filthy, cramped barracks. They are demoralized by limited promotional opportunities and relegation to menial tasks. In such conditions, they are likely to fall into abusive patterns of behavior. Minimum standards for housing and work hours should be developed, for instance, a requirement that station house officers announce and adhere to a monthly work schedule with maximum hours of work and provide for mandatory leave.
- ***Improve Training and Equipment:*** Increasing the number of junior-ranking officers trained and authorized to conduct investigations and register

complaints, and training constables to assist in crime investigations, is critical. The lack of crime investigation training and equipment effectively discourages officers from building cases on forensic evidence and witness statements, rather than coerced confessions. The investigation curriculum at police academies must be bolstered, including in the use of forensic tools and non-coercive interrogation techniques. Every investigating officer should have access to basic forensic equipment. The training and roles of Low-ranking police should be enhanced to include investigation assistance.

- ***Create a Culture that Rewards Respect for Human Rights and Professional Conduct:*** The skills and potential of junior- and low-ranking police are often underdeveloped, with many staying at the same rank their entire careers. Frustrated officers with nothing to lose are more likely to engage in abusive behavior. To change this environment, provide better incentives for police behavior.
- ***Create a System of Effective Independent Investigations into Complaints of Police Abuse and***

Misconduct: To reduce impunity, the central and state government should strengthen the capacity of the national and state human rights commissions to undertake independent investigations, including the number of investigative staff.

- **Enact Laws against Torture:** strong domestic laws are critical to signaling police that torture is never a permissible means to extract confessions or other information from criminal suspects.
- **Need of Reform Firs Registration:** Registration of FIRs should be made totally citizens friendly. Technology should be used to improve the accessibility of police stations to the public. Police stations should be equipped with CCTV cameras in order to prevent malpractices, ensure transparency and make the police more citizen-friendly.
- **Need of Specialization:** There is a need for introducing specialization in the police organization. It is very difficult for an ordinary person to be perfect in performing all types of such duties successfully. So it is imperative that the people develop specialization in some field and organization helps them to do

so by arranging suitable training and working environment.

Conclusion:

The Indian police face an unparalleled level of public distrust. The media derides them as professionally incompetent and criminally negligent. In the decades that followed, the Indian police remained a force deployed to maintain law and order and support the state, and failed to develop the public service orientation of modern policing. The central and state governments developed large armed police battalions in response to growing levels of social violence, This history of alienation from, and violence against, the Indian public has rendered the police a widely despised group, regarded by the public as corrupt, inept, and ineffective. Yet the police are increasingly tasked with battling India's innumerable public safety problems as, armed militancy, terrorism, entrenched gender-based, caste and communal violence, and escalating levels of organized crime, white collar crime, and cyber crime. The police are unequal to these tasks due to a dearth of trained personnel and necessary equipment. Poor living and working conditions not only demoralize police, they result in delays or failures of

officers to assist crime victims and investigate crimes.

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